

MONTANA LEGISLATIVE HISTORY

Chapter 118 19 89

Bill H _____ S 120 Original bill & history C

H. Committee on Judiciary

Hearing Date(s) Mar 03 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Mar 03 ☒ C

S. Committee on Public Health Welfare & Safety

Hearing Date(s) Jan 18 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Jan 18 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SENATE FINAL STATUS

1/21	FISCAL NOTE PRINTED		
2/15	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/17	2ND READING PASSED	42	0
2/20	3RD READING PASSED	47	3

TRANSMITTED TO HOUSE

2/21	REFERRED TO LOCAL GOVERNMENT		
3/07	HEARING		
3/10	COMMITTEE REPORT--BILL CONCURRED		
3/11	2ND READING CONCUR MOTION FAILED	38	53

SB 120 INTRODUCED BY HARDING
 ALLOW RELEASE TO THE DEPARTMENT OF REVENUE
 INFORMATION ON OUT-OF-WEDLOCK BIRTHS
 BY REQUEST OF DEPARTMENT OF HEALTH &
 ENVIRONMENTAL SCIENCES

1/13	INTRODUCED		
1/13	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/18	HEARING		
1/19	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/21	2ND READING PASSED	34	9
1/24	2ND READING PASSED AS AMENDED	48	0
1/26	3RD READING PASSED	45	1

TRANSMITTED TO HOUSE

2/21	REFERRED TO JUDICIARY		
3/03	HEARING		
3/03	COMMITTEE REPORT--BILL CONCURRED		
3/04	2ND READING CONCURRED	81	1
3/06	3RD READING CONCURRED	94	0

RETURNED TO SENATE

3/10	SIGNED BY PRESIDENT		
3/11	SIGNED BY SPEAKER		
3/11	TRANSMITTED TO GOVERNOR		
3/16	SIGNED BY GOVERNOR		

CHAPTER NUMBER 118 EFFECTIVE DATE: 10/01/89

SB 121 INTRODUCED BY JERGESON, ET AL.
 ABOLISH MERIT COUNCIL AND ALL REFERENCES TO MERIT
 SYSTEM
 BY REQUEST OF LEGISLATIVE AUDIT COMMITTEE

1/13	INTRODUCED		
1/13	REFERRED TO STATE ADMINISTRATION		
1/18	HEARING		
1/19	COMMITTEE REPORT--BILL PASSED		
1/21	2ND READING PASSED	39	4
1/24	3RD READING PASSED	47	0

TRANSMITTED TO HOUSE

2/21	REFERRED TO STATE ADMINISTRATION		
2/28	HEARING		
3/08	COMMITTEE REPORT--BILL CONCURRED		
3/11	2ND READING CONCURRED	90	0
3/13	3RD READING CONCURRED	92	5

RETURNED TO SENATE

3/16	SIGNED BY PRESIDENT		
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action where the youth had permission to leave for a period of time and failed to return at the specified time. See Exhibit #1 attached.

Questions From Committee Members: Sen. Norman questioned Sen. Tveit about the amendment on page 1, line 15. Sen. Tveit said this was probably done in the drafting process and would be considered a clerical change, however, it does not affect the intent of the bill. Sen. Norman also expressed concern about the effective date as being on passage and approval as this can cause problems for the courts and attorneys because the session laws are not printed and published until much later.

Closing by Sponsor: Sen. Tveit, in response to Sen. Norman's concern about the effective date, said he would have no objection to the effective date being deleted from the bill.

DISPOSITION OF SENATE BILL 113

Discussion: Sen. Lynch asked if there was any reason for this effective date appearing on so many bills. Tom Gomez stated that the drafters are not to provide for an immediate effective date as most laws are to automatically be effective on October 1 at which time the session laws would be published.

Amendments and Votes: Sen. Lynch moved that SB 113 be amended by striking Section 2, page 2, lines 6 and 7. Sen. Rasmussen seconded the motion; MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Sen. Lynch then moved that SB 113 DO PASS AS AMENDED; MOTION CARRIED UNANIMOUSLY.

HEARING ON SENATE BILL 120

Presentation and Opening Statement by Sponsor: Senator Ethel Harding, District #25, introduced the bill at the request of the Department of Health and Environmental Sciences to enable them to obtain birth information for a person born out of wedlock for child support enforcement action. These records are now closed and private, however, the department needs the affidavit of paternity in order to enforce support for the child.

List of Testifying Proponents and What Group they Represent:

Sam Sperry, Bureau Chief, Records and Statistics
Bureau, Department of Health and Environmental
Sciences;

List of Testifying Opponents and What Group They Represent:

None.

Testimony:

Sam Sperry, Department of Health and Environmental Sciences, submitted written testimony (Exhibit #2) and urged the support of the committee for a do pass on the bill.

Questions From Committee Members: Sen. Norman asked if the affidavit of paternity is in the hands of the clerk and recorder. Mr. Sperry explained the process of obtaining the affidavit of paternity at the time of the birth. This affidavit is sent to the clerk and recorder and is then forwarded to the state office with the birth certificate, however, the clerk and recorder does not file the affidavit. In order for the father's name to be on the birth certificate an affidavit must be signed by him acknowledging paternity or his name would not appear on the birth certificate.

Sen. Pipinich related a problem which had been brought to him by a young lady having problems in locating her birth mother. Mr. Pipinich was advised by Mr. Sperry to have the young lady contact him.

Sen. Hims1 pointed out that this bill also has an effective date on passage and approval and said 'if this wasn't that urgent it should be deleted.

Closing by Sponsor: In closing, Sen. Harding pointed out that the affidavit of paternity is received by the clerk and recorder but is then sent to Helena with the birth certificate. There is no record kept in the office of clerk and recorder. In order for the Department of Revenue to enforce child support actions this bill is essential.

DISPOSITION OF SENATE BILL 120

Discussion: Sen. Rasmussen asked what the procedure is for effective dates. Tom Gomez replied that the law provides for October 1 of the same year.

Amendments and Votes: Sen. Lynch moved that Senate Bill 120 be amended by striking Section 4, page 3, lines 6 and 7. MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Sen. Lynch moved that Senate Bill 120 DO PASS AS AMENDED; MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 63

Discussion: Sen. Lynch moved that SB 63 do pass. Chairman Hager stated that he had received some new information following the hearing on SB 63 and in view of the fact that Senators Norman and Himsel were absent at the hearing the bill would be discussed on Friday, January 20. Sen. Lynch withdrew his motion.

ADJOURNMENT

Adjournment At: 1:30 p.m.



SENATOR TOM HAGER, Chairman

TH/lis

Mnls.118

ROLL CALL

PUBLIC HEALTH

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date Jan. 18, 1989

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Hager	X		
Sen. Tom Rasmussen	X		
Sen. Lynch	X		
Sen. Hims1	X		
Sen. Norman	X		
Sen. McLane	X		
Sen. Pibinich	X		

STANDING COMMITTEE REPORT

January 18, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration SB 120 (first reading copy -- white), respectfully report that SB 120 be amended and as so amended do pass:

1. Title, line 10.

Following: ";"

Insert: "AND"

2. Title, line 11.

Following: "MCA"

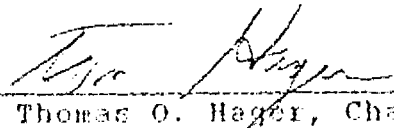
Strike: remainder of line 11 through "DATE"

3. Page 3, lines 6 and 7.

Strike: section 4 in its entirety

AND AS SO AMENDED DO PASS

Signed: _____


Thomas O. Heger, Chairman

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 1-18-89 COGSWELL BUILDING

BILL NO. SB 120



STAN STEPHENS, GOVERNOR

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

January 18, 1989

TESTIMONY IN SUPPORT OF SB-120 BEFORE THE SENATE PUBLIC HEALTH COMMITTEE.

PRESENTED BY: SAM H. SPERRY
CHIEF OF THE BUREAU OF RECORDS AND STATISTICS
MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

For some years, when the Department of Revenue has needed copies of birth certificates for out-of-wedlock births, which were accompanied by affidavits of paternity, for child support enforcement action, the Department of Revenue has had to obtain a signed release from the mother. This release was then submitted to the Department of Health and Environmental Sciences, who then produced the necessary documents for the Department of Revenue. Due to changes in AFDC requirements and due to limited cooperation from many mothers, this procedure has begun to fail the needs of the Department of Revenue.

These concerns were referred to the Legal Division of the Department of Health and Environmental Sciences and on August 25, 1987, the Legal Division issued an opinion that the Department of Revenue should receive the same access to out-of-wedlock birth information for child support action as does the Department of Social and Rehabilitation Services and the Department of Family Services, for other purposes.

In order for the Department of Revenue to carry out its statutory responsibility regarding child support enforcement under the Uniform Reciprocal Child Support Enforcement Act (Title 40, Chapter 4, MCA), it is necessary for the Department of Health and Environmental Sciences to amend the language in 50-15-112 MCA and 50-15-206 MCA to allow the department to provide copies of birth certificates accompanied by paternity affidavits for those instances necessary to child support action. SB-120, as before you, will provide necessary amendment and the department urges a "do pass" action on this bill.

NAME: SAM SPERRY DATE: 1-18-89

PHONE: 444-4228

APPEARING ON WHICH PROPOSAL: SB 120

COMMENT: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE January 18, 1989
Public Health

SB 113 & 120

[illegible]

(Please leave prepared statement with Secretary)

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Stickney question Mr. Burgess as to the renewal of terms and how long a term runs for. Mr. Burgess stated that the terms are for four years each and are, in fact, renewable.

Closing by Sponsor: Rep. Bishop closed.

DISPOSITION OF SENATE BILL 391

Motion: A motion to BE CONCURED IN was made by Rep. Eudaily, motion seconded by Rep. Stickney.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: A vote was taken and CARRIED unanimously that SB 391 BE CONCURED IN.

HEARING ON SENATE BILL 120

Presentation and Opening Statement by Sponsor:

Senator Ethel Harding, Senate District 25 stated that SB 120 is a bill to allow the Department of Revenue access to birth information for child support actions. Presently, the Montana Law prohibits the Dept. of Health from divulging any information from birth records that would imply an out of wedlock birth. Sen. Harding commented that in recent years the Dept. of Revenue has to have the mother obtain copies of birth records from the Dept. of Health and then supply these copies to the Dept. of Revenue. This procedure has often resulted in lengthy delays in initiating child support action and has sometimes caused extreme inefficiency due to the limited cooperation of some of the mothers. Sen. Harding stated that in order to initiate child support actions, the Dept. of Revenue needs access to paternity affidavits in instances of out of wedlock births.

Testifying Proponents and Who They Represent:

None.

Proponent Testimony:

None.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Eudaily questioned Sen. Harding as to why the effective date had been stricken in the original bill? Sen. Harding responded that the Senate Judiciary Committee objected to the effective immediate date unless it is absolutely necessary.

Closing by Sponsor: Senator Harding closed.

DISPOSITION OF SENATE BILL 120

Motion: A motion was made by Rep. Mercer to BE CONCURED IN, motion seconded by Rep. Gould.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: A vote was taken on the motion that SB 120 BE CONCURED IN and CARRIED unanimously.

HEARING ON SENATE BILL 84

Presentation and Opening Statement by Sponsor:

Senator Vaughn, Senate District 1 stated that SB 84 is an act requiring a registration of sexual offenders by the Dept. of Institutions and local enforcement agencies. It provides that registration cannot be waived in imposing sentences requiring mandatory treatment for sexual offenders imprisoned in the State Prison and restricting employment of persons required to register.

Testifying Proponents and Who They Represent:

Steve Waldron, Executive Director Montana Mental Health Centers
Susan Sachsenmaier, Mental Health Forensic Consultant
Carolyn Clemens, Lewis and Clark Deputy County Attorney

Proponent Testimony:

Steve Waldron stated that the therapists who provide treatment to the sex offenders in the mental health center system support this bill as do the mental health centers. They see this bill as a step toward assuring protection for society as well as assuring that these offenders will be treated and

DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date MARCH 3, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN			X
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY			X
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

STANDING COMMITTEE REPORT

March 3, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
SENATE BILL 120 (REFERENCE copy -- blue) be concurred in .

Signed: _____
Dave Brown, Chairman

[REP. BOHARSKI WILL CARRY THIS BILL ON THE HOUSE FLOOR]